COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

A Tradition of Service

DATE: December 2, 2010

OFFICE CORRESPONDENCE FILE NO. FO2255229

FROM: ERIC B. SMITH, COMMANDER
LEADERSHIP AND TRAINING DIVISION

TO: KARYN MANNIS, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE DISPOSITION:**
DEPUTY SCOTT HARPER #[redacted]
DEPUTY BRIAN SHERRED #[redacted]
TRANSIT SERVICES BUREAU / METROLINK

Metrolink-East Deputies Scott Harper and Brian Sherred turned south from westbound 4th Street onto Breeden, in the city of Santa Ana and noticed Suspect Jones standing in the bushes with his back to the street. It appeared to the deputies that he was either adjusting his pants, "playing with himself," or urinating in public.

The deputies stopped their patrol vehicle and Deputy Harper told Suspect Jones to turn around. Suspect Jones turned around with his hands in his pants pockets walked toward the deputies. Deputy Harper ordered him to take his hands out of his pockets but he did not comply. Deputy Harper drew his duty weapon with his right hand and pointed it at the suspect, ordering him a second time to take his hands out of his pockets. The suspect did not comply. Concerned, both deputies exited their vehicle. Deputy Harper ordered Suspect Jones a third time to take his hands out of his pockets, but he still did not comply.

Deputy Harper held the barrel of his gun about six inches away from Suspect Jones' head. Simultaneously, he grabbed Suspect Jones' left forearm with his left hand and tried to pull him down to the sidewalk. Suspect Jones broke free of Deputy Harper's grasp and started to go down onto the sidewalk on his own. While doing so he moved his left hand up to his mouth, as if he was trying to swallow something. Deputy Harper radioed in to SCC to request assistance from Santa Ana PD.

Once Suspect Jones landed on his right side on the sidewalk, possibly hitting the right side of his face on the concrete, Deputy Harper grabbed his left triceps/shoulder area with his left hand and placed a knee on top of his upper body. Deputy Harper decided to re-holster his gun and advised SCC that they were involved in a fight. Suspect Jones brought his left hand up to his mouth a second time, and this time, Deputy Sherred actually saw him swallow what he believed to be a pea-sized piece of rock cocaine.

The deputies continued struggling to gain control of Suspect who was kicking Deputy Sherred on the right leg. Deputy Harper repeatedly ordered Suspect Jones to cooperate.

During the struggle to control Suspect Jones, Deputy Sherred kneed him twice on his right rib cage, while Deputy Harper delivered two "hammered strikes" with the base of his right fist on the right side of the suspect's face. Deputy Harper was able to bring Suspect Jones' arms behind his back hand and Deputy Sherred handcuffed both wrists. Suspect Jones stopped resisting and no other force was used by the deputies.

Suspect Jones was examined by Santa Ana Fire Department paramedics and transported to Western Medical Center where he was treated for a fractured right rib and fractured right orbital bone, and was admitted. Suspect Jones had two old pre-existing fractures to the ribs as well as an old pre-existing fracture to the jaw.

On October 28, 2010 the Executive Force Review Committee convened and conducted a review regarding the facts of this case. The applicable policies that were evaluated by the committee were: MPP §§ 3-01/025.00, Use of Force; 3-01/025.10, Unreasonable Force; and 3-01/050.10, Performance to Standards.

Concerning:

MPP § 3-01/025.00, Use of Force and MPP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputies Scott Harper #[redacted] and Brian Sherred #[redacted] was reasonable and necessary and in compliance with Department policy.

MPP § 3-01/050.10, Performance to Standards, the Committee determined that the tactics employed by all personnel in this incident were within Department Policy.

Eric B. Smith, Commander

EBS:RSP/rsp

Table of Contents

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Exhibits